

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF VIRGINIA**

**THOMAS E. PEREZ,** )  
**UNITED STATES SECRETARY OF LABOR,** )

**Plaintiff,** )

**v.** )

**BAT MASONRY COMPANY, INC., et al** )

**Defendants.** )

**) Case No. 6:15-CV-00028-EKD**

**MEMORANDUM IN SUPPORT OF  
MOTION FOR WITHDRAWAL OF MARK S. THOMAS  
AS COUNSEL FOR DEFENDANT SHELDRIK, MCGHEE & KOHLER**

The law firm of Williams Mullen, P.C. (hereinafter “Williams Mullen”), as counsel of record for Defendant Sheldrick, McGhee & Kohler (“SMK”) submits this memorandum in support of its motion for leave to withdraw Mark S. Thomas as a counsel of record for SMK.

Mark S. Thomas moved for admission *pro hac vice* as counsel for SMK on December 9, 2015 (ECF No. 23) in the instant matter. The Court granted Mr. Thomas’ motion on December 11, 2015 (ECF No. 26). Mr. Thomas passed away suddenly on March 14, 2016. On March 23, 2016, Laura D. Windsor, the undersigned, filed a Notice of Substitution and Appearance of Counsel, to replace Mr. Thomas as counsel of record for SMK (ECF No. 50).

Williams Mullen is therefore now seeking relief from the Court pursuant to W.D. Va. Gen. R. 6(i) to have Mr. Thomas withdrawn as a counsel of record for SMK and terminated from this case. Williams Mullen, by and through Laura D. Windsor and Daniel P. Watkins, will continue to represent SMK’s interests in this matter. As such, no prejudice will befall any party as a result of the withdrawal of Mark S. Thomas as a counsel of record for SMK. Counsel for the other parties who have entered appearances in this litigation consent to this Motion.

WHEREFORE, for these reasons, Williams Mullen respectfully requests that the Court enter an order permitting the withdrawal of Mark S. Thomas as a counsel of record for Defendant Sheldrick, McGhee & Kohler.

Respectfully submitted,  
WILLIAMS MULLEN, P.C.

By: /s/ Laura D. Windsor  
Laura D. Windsor  
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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26<sup>th</sup> day of April, 2016, I electronically filed the foregoing Memorandum in Support of Motion for Withdrawal of Counsel with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Geoffrey Forney, Trial Attorney United States Department of Labor Office of the Solicitor Suite 630 East, The Curtis Center 170 South Independence Mall West Philadelphia, PA 19106-3306 Forney.geoffrey@dol.gov Attorney for the Plaintiff, Thomas E. Perez, United States Secretary of Labor	John W. Francisco Edmunds & Williams, P.C. 828 Main Street, 19 <sup>th</sup> Floor Lynchburg, Virginia 24504 jfrancisco@ewlaw.com Attorney for the Defendants, Melvin Hinton and Gregory Booth
G. Edgar Dawson , III Petty, Livingston, Dawson & Richards, P.C. P. O. Box 1080 Lynchburg, Virginia 24505 edawson@pldrlaw.com Attorney for the Defendant, M. H. Masonry & Associates, Inc.	Lars C. Golumbic Groom Law Group, Chartered 1701 Pennsylvania Ave, N.W. Washington, D.C. 20006 lgolumbic@groom.com Attorney for the Defendant, M. H. Masonry & Associates, Inc.
Andrew S. Goldstein Magee Goldstein Lasky & Sayers, P.C. P. O. Box 404 Roanoke, Virginia 24003-0404 agoldstein@mglspc.com Attorney for the Defendant, Wayne Booth	Joshua F. P. Long Woods Rogers, PLC 10 South Jefferson Street, Suite 1400 Roanoke, Virginia 24011 jlong@woodsrogers.com Attorney for the Defendant, John Rosser
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I FURTHER CERTIFY that on this 25<sup>th</sup> day of April, 2016, a true and correct copy of the foregoing Memorandum in Support of Motion for Withdrawal of Counsel was served, along with a copy of the Notice of Electronic Filing (NEF) on the following:

BAT Masonry Company, Inc. Employee Stock Ownership Plan & Trust c/o Gregory Booth BAT Masonry Company, Inc. 22473 Timberlake Road Lynchburg, VA 24502	BAT Masonry Company, Inc. c/o Gregory Booth 22473 Timberlake Road Lynchburg, VA 24502
Wayne Booth Revocable Trust c/o Wayne Booth 21886 Timberlake Road Lynchburg, VA 24502	Wayne B. Booth Investments, LLC c/o Wayne Booth 21886 Timberlake Road Lynchburg, VA 24502
BST Enterprises, LLC c/o Wayne B. Booth 21886 Timberlake Road Lynchburg, VA 24502	

By: /s/ Laura D. Windsor  
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